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4 UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON  
6 AT SEATTLE

7 ANTHONY EUGENE LEWIS, )  
8 )  
9 Plaintiff, ) Case No. C07-1517- MJP-BAT  
10 )  
11 v. ) **ORDER GRANTING IN PART**  
12 ) **AND DENYING PART**  
13 CITY OF SEATTLE, et al., ) **DEFENDANTS LEE, TIETJEN**  
14 ) **AND ZIEGER'S MOTION FOR**  
15 Defendants. ) **SUMMARY JUDGMENT**  
16 )

17 The Court, having reviewed plaintiff's Amended Complaint (Dkt. 18) in this 42 U.S.C. §  
18 1983 civil rights action, together with all material in support of those documents, defendants'  
19 Motion For Dismissal, the Report and Recommendation of United States Magistrate Judge Brian  
20 A. Tsuchida, the governing law, and the balance of the record, does hereby ORDER:

21 1) The Court adopts the Report and Recommendation;  
22 2) The Court has received and reviewed Plaintiff's objections. (Dkt. No. 88.) Plaintiff's  
23 seven objections re-argue the claims made in opposition to summary judgment. (See  
Dkt. No. 88; Dkt. No. 64; Dkt. No. 69.) None of Plaintiff's objections undermine  
Magistrate Judge Tsuchida's analysis.

2) Defendants' Motion for Summary Judgment (Dkt. 51) is **DENIED** as to the following  
claims:

a. That defendants Lee, Tietjen and Zieger unlawfully stopped and detained  
plaintiff.

b. That defendants Lee and Tietjen used excessive force.

c. That while plaintiff was in custody, defendant Zieger failed to protect plaintiff from defendants Lee and Tietjen.

3) Defendants' motion for summary judgment is **GRANTED** as to the following claims and that these claims be **DISMISSED**:

a. That defendants Lee, Tietjen and Zieger unlawfully arrested and placed plaintiff into custody.

b. That defendants violated plaintiff's rights by failing to provide plaintiff adequate medical attention.

c. That defendants violated plaintiff's rights by maliciously prosecuting him.

d. That defendants' failure to document the presence of plaintiff's cousin at the arrest denied plaintiff his right to compulsory process.

e. That defendants violated plaintiff's rights by giving false pre-trial and trial testimony.

f. That defendants violated plaintiff's rights by arresting him based on a racial profile.

g. That defendants violated plaintiff's rights under the double jeopardy clause.

h. That defendant Zieger used excessive force against plaintiff.

4) The Clerk of Court is directed to send copies of this Order to the parties and to Magistrate Judge Brian A. Tsuchida.

DATED this 9th day of May, 2009.

Wasshuf. Pellmar

Marsha J. Pechman  
United States District Judge